

AN ORDINANCE AUTHORIZING THE POSTING OF BAIL FOR TRAFFIC VIOLATIONS AND DEPOSIT OF LICENSE TO OPERATE MOTOR VEHICLE IN LIEU OF BAIL

WHEREAS, Section 544.045 of the Revised Statutes of the State of Missouri allows cities to require violators of traffic ordinances to post bail of \$50.00 or in lieu thereof to deposit their license to operate a motor vehicle, and

WHEREAS, this power to require bonds must be authorized by law or rule of court,

NOW THEREFORE BE IT RESOLVED:

Section One: Any person arrested and charged with violation a traffic ordinance of the city may, at the discretion of both the officer authorized by law or rule of court to accept bail and the person arrested, deposit his license to operate a motor vehicle with the officer demanding bail in lieu of any other security for his appearance in court to answer any such charge except when the charge is for driving while intoxicated, driving while under the influence of intoxicating liquor drugs, leaving the scene of a motor vehicle accident, driving when his license is suspended or revoked, or for any charge made because of a motor vehicle accident in which a death has occurred.

Section Two: Notwithstanding the fact that the officer authorized by law or rule of court to accept bail authorizes the person arrested to deposit his license to operate a motor vehicle as his security for his appearance in court, in lieu of depositing his license to operate a motor vehicle, the person arrested may decline to deposit his license to operate a motor vehicle as security and instead deposit a bond with the officer authorized by law or rule of court to accept bail or other such officer demanding bail in the amount of fifty dollars per traffic offense allegedly committed. The officer shall issue a receipt for such a bond to the person and deposit the bond with the judge, court clerk or other officer requiring security for a court appearance.

Section Three: The judge, court clerk or other officer requiring security for an appearance shall accept the bond or deposit of the license in lieu of bail and, if the license is accepted, shall issue a receipt to the licensee for the license upon a for approved by the director of revenue. The licensee may, until he has appeared at the proper time and place as stated in the receipt to answer the charge placed against hi, operate motor vehicles while in possession of the receipt, and the receipt shall be accepted in lieu of the license as provided by section 302.181 RSMo. If a continuance is requested and granted, the licensee shall be given a new receipt for his license.

Section Four: Whether or not a license to operate a mother vehicle has been deposited in lieu of bail pursuant to this section, if the

driver fails to appear at the proper time to answer the charge placed against him, the clerk of the court, or the judge of the court if there is no clerk, shall within ten days notify the director of revenue of the failure to appear, and the director shall thereafter withhold any renewal of the license or issuance of a duplicate license to the licensee until notified by the court that the charge has been reduced to final judgment.

Section Five: This ordinance shall be in effect from and after its passage.

READ TWO TIMES AND PASSED THIS 9TH DAY OF OCTOBER, 2000.

Curtis Lyatt
MAYOR

ATTEST: Jo Anne E. Donze
CLERK

<u>ALDERMEN</u>	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
ROBERT BEQUETTE	x			
ROGER ODEM	x			
DOUGLAS RODERIQUE	x			
ROBERT SCHULTZ	x			

I, JoAnne Donze, Clerk of the City of St. Mary, do hereby certify that the foregoing resolution, was duly passed and adopted by the Board of Aldermen of the City of St. Mary at a regular meeting thereof assembled this 9th day of October, 2000.

Jo Anne E. Donze
Clerk